



MEMO ENDORSED

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March 30, 2022

By ECF

Hon. Laura T. Swain
District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Application granted. The Clerk of Court is respectfully directed to maintain the current sealed viewing level (i.e., selected parties only) on docket entry no. 54. DE#52 resolved.

SO ORDERED.

Dated: March 31, 2022

/s/ Laura Taylor Swain, Chief U.S.D.J.

Re: *Gil-Cabrera v. City of New York et al.*, 20-CV-09493 (LTS)(SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for Defendants in the above-referenced action. Pursuant to Section 5 of the Court's Individual Practices, I write to respectfully request leave to file, under seal, documents in support of Defendant's motion for summary judgment, filed today, March 30, 2022.

In this action, Plaintiff alleges that his constitutional rights were violated while he was detained at the Vernon C. Bain Center (VCBC), a New York City Department of Correction ("DOC") facility. Defendant in this action has now moved for summary judgment. In support of this motion, Defendant seeks to rely upon Correctional Health Services records pertaining to Plaintiff's medical condition. Defendant submits that these records are highly sensitive and confidential. *See, e.g., Offor v. Mercy Med. Ctr.*, 167 F. Supp.3d 414, 445 (E.D.N.Y. 2016) ("Courts in this Circuit have repeatedly held that information protected by HIPAA is not subject to a First Amendment or common-law right of access and thus have sealed docket entries and redacted documents that contain such information."); *Fox v. Poole*, 2007 U.S. Dist. LEXIS 64779, at *38 (W.D.N.Y. Aug. 31, 2007) (ordering parties to file inmate medical record under seal). Accordingly, Defendant respectfully requests permission to file the Declaration of Hannah J. Sarokin, which includes these medical records as "Exhibit A," under seal, in order to protect Plaintiff's privacy and confidentiality interests.

Thank you for your consideration of this matter.

Respectfully submitted,

s/
Hannah J. Sarokin
Assistant Corporation Counsel

cc. By mail

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